

Lewis County Comprehensive Plan Amendment/Rezone

File No.: MSC13-0103

Planning Commission Staff Report

PROPOSAL INFORMATION

Contact	Lemmie Rockford	
Owner	Eagle Cliff Northwest LLC	
Request	<input checked="" type="checkbox"/> Map <input type="checkbox"/> Text <input type="checkbox"/> UGA Change <input type="checkbox"/> Other	
	Existing Zoning Category:	Agricultural Resource Land
	Proposed Zoning Category:	Mineral Resource Land
	Existing Comprehensive Plan Designation:	Agricultural
	Proposed Comprehensive Plan Designation:	Mineral
Application Summary	The application is a request to change the zoning from Agricultural Resource Land (ARL), to Mineral Resource Land (MRL), with a concurrent Comprehensive Plan Map change from Agricultural to Mineral. The request also requires the applicant to "Opt-in" to MRL which requires a geotechnical report.	
Location/Site Size	<i>The Foster Creek Pit is located on Mandy Road, south of the Cowlitz River, east of Vader</i>	<i>Approximately 57 acres</i>
Parcel Number(s)	012524000000, 012487002002	
Site Description	Site	<i>The site currently includes approximately 20 acres of gravel mining and the rest in tree farm.</i>
	Topography	The site generally flat.
	Other Features	NA

SUMMARY EVALUATION

CRITICAL AREAS REVIEW	
Critical Aquifer Recharge Area	Severe Susceptibility
Floodplain	100 year floodplain
Geologically Hazardous Areas	N/A
Wetlands	N/A
Hydric Soils	N/A
Stream Buffers	May impact the site south of Mandy Road

APPLICABLE ZONING ORDINANCE & COMPREHENSIVE PLAN GOALS AND POLICIES

The Zoning Ordinance & Comprehensive Plan, and other applicable regulations provide the framework for consideration of Zone Changes and concurrent Comprehensive Plan Map amendments. Following are relevant Zoning & Comprehensive Plan text citations related to the consideration of the proposed amendment.

APPLICABLE LEWIS COUNTY ZONING CODE CHAPTERS:**Chapter 17.30 Resource Lands****Definitions****17.30.080 Agricultural land – Agricultural Resource Land**

“Agricultural land or agricultural resource land” means land primarily devoted to the commercial production of aquaculture, horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products to berries grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has long-term commercial significance for agricultural production.

17.30.210 Mineral resource lands.

“Mineral resource lands” means lands primarily devoted to the extraction of minerals or that have known or potential long-term commercial significance for the extraction of minerals. Rural Development District (RDD)

Mineral Resource Lands**17.30.720 Classification.**

Mineral resource lands of Lewis County are classified according to the following:

- (1) Existing Permitted Surface Mining Operations. The contiguous ownership of existing permitted mining operations (including dormant operations) operating under authority of Chapter 78.44 RCW, the Washington State Surface Mining Act, where the remaining operation has extractive minerals valued in excess of \$1,000,000.
- (2) Areas Containing Mineral Deposits the Significance of Which Cannot Be Evaluated from Available Data.
 - (a) Areas where a qualified geologist can demonstrate a high likelihood for occurrence of mineral deposits. A qualified geologist shall provide adequate evidence, for the above, in the form of a report and any associated maps that would provide evidence of mineral resources sufficient to meet the following criteria:
 - (i) The site has extractive materials having a probable value in excess of \$500,000 for valuable metallic substances and \$1,000,000 for gravel, sand, coal, and other minerals; and

- (ii) The site has the potential for economically viable production of extractive materials for the foreseeable future;
 - (b) Greater than 50 percent of the linear frontage of the perimeter of any proposed designated lands shall abut parcels that are equal to or greater than two and one-half acres in size. Abutting parcels with industrial or wholesale uses are exempt from this parcel size calculation but shall be included in the calculation of total linear frontage; and
 - (c) The site is outside any designated urban growth area at the time of application for redesignation.
- (3) Mines of Local Importance. Mines not otherwise meeting the criteria noted above certified by a qualified geologist as having significant economic importance either due to their location or nature, quantity, or quality of mined product.

17.30.850 Process for petitioning for designation as a mineral resource land (“opt-in”).

An “opt-in” provision is provided for the voluntary designation of properties as mineral resource land by the property owner(s) upon the provision of written notification to the administrator of their desire for such designation. Such application for designation shall be processed as an amendment to the comprehensive plan and development regulations. Such amendments are processed on a yearly basis, consistent with Chapter 17.12 LCC.

(1) Criteria for Approval of Applications for Voluntary Designation of Mineral Resource Land. Lewis County shall approve applications for designation of mineral resource land if the following criteria are met:

- (a) The property meets the classification criteria for mineral resource lands set forth in LCC 17.30.720; and
- (b) The property owner, as part of the application, provides a notarized statement that lie or she will voluntarily commit the subject property to the designation for a period until full utilization of the mineral resource potential occurs.

(2) Process for Approval of Applications for Voluntary Designation as Mineral Resource Land.

- (a) Administrator’s Action. The administrator shall determine if the application is complete. If additional information is necessary, the application shall be returned to the property owner, together with a list identifying the deficiencies. When the application is complete, the administrator shall consult with the persons or departments deemed necessary by the administrator to evaluate compliance with this chapter and section.
- (b) Planning Commission Review and Recommendation. The Lewis County planning commission shall hold a public hearing to review all application requests, pursuant to this section. Notice of public hearing shall be made at least 30 days prior to the scheduled hearing date. Notice shall consist of publication of a legal notice in a newspaper of general circulation stating the

description of the property, and the purpose, date, time, and location of the hearing. Such notice shall also be mailed to all persons owning property within one-quarter mile of the subject property's boundaries. The administrator shall also post two or more notices in the vicinity of the subject property.

Following the planning commission hearing, the planning commission shall make a recommendation. The administrator shall forward the recommendation to the board of county commissioners within 15 working days of the planning commission recommendation. The administrator shall also provide the applicant written notice of the planning commission recommendation.

- (c) Board Decision. The board of county commissioners shall make a final decision following the receipt of the recommendation of the planning commission. The board may hold a public hearing on the matter. The board shall make written findings for its decision available to the public upon request.

APPLICABLE LEWIS COUNTY COMPREHENSIVE PLAN CHAPTERS

Chapter 2 Lewis County 20-Year Vision

Natural Resource Areas

Lewis County will have well-managed natural resource areas that continue to provide opportunities for natural resource based industries, like agriculture and timber, into the future. Natural resource areas are also the focus of Lewis-County's recreational and tourist activities. These activities are encouraged, but also well-managed with respect to the overall preservation of our important natural resources.

Environmental and resource protection will be encouraged in order to preserve the quality environment enjoyed in Lewis County for future generations. The open lands, forests, river and stream corridors are essential resources which provide the fish and wildlife habitat, recreational opportunities, scenic beauty, and aesthetic qualities that make Lewis County and attractive place to live.

Natural Resource Lands Sub-Element

"Agricultural/Agricultural Resource Lands are those lands primarily devoted to the commercial production of aquaculture, horticultural, viticulture, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has long-term commercial significance for agricultural production."

"Mineral Resource Lands are those lands primarily devoted to the extraction of minerals or that have known or potential long-term commercial significance for the extraction of minerals."

NATURAL RESOURCE LANDS GOALS, OBJECTIVES AND POLICIES

NR Goal: Maintain agricultural, commercial timber production, mineral resource extraction lands and their ancillary uses.

Objective

NR1 Identify and conserve resource lands supporting agriculture, forest, and mineral extractive industries.

Policies

NR 1.2 The County should protect the interests of land-owners who wish to continue the practice of management of natural resources.

NR 1.4 Resource use, particularly agricultural and timber uses and accessory uses, are encouraged in all rural areas.

NR 1.17 Agriculture (including ranching), forestry and mineral resource related activities should be conducted in a manner that will minimize their adverse impacts on water quality, habitat, and other environmentally sensitive areas.

NR 1.18 Mineral extraction sites should be restored in a fashion consistent with Washington and Lewis County laws and regulations.

FINDINGS

The Planning Commission should review specific objectives and policies related to each zone change and concurrent comprehensive plan map amendment in its decision. Staff has listed the objectives and policies related to this request. Additionally, information contained on the rezone application itself must be weighed against criteria in the Zoning Ordinance and Comprehensive Plan.

MSC-13-0103 is a request for Zone Change from Agricultural Resource Land (ARL) to Mineral Resource Land (MRL), and concurrent Comprehensive Plan Map amendment from Agricultural to Mineral. Currently, the property is an active gravel pit mine.

Two properties within a quarter mile, one upriver and one down river of this parcel are currently designated Mineral. All other properties adjacent to the Foster Creek Pit are zoned ARL and have a comprehensive plan designation of Agricultural.

The Foster Creek Pit, permitted through DNR, would like to stockpile material on site which means increasing the area covered by their permit.

CONCLUSION

Based on the facts of this application, staff believes this property should be rezoned to MRL with a corresponding comprehensive plan designation change to Mineral.

ATTACHMENTS:

Maps

- A) Aerial Map
- B) Zoning Map
- C) Future Land Use Map